

1:CV-01-836

(4)
PL
6/1-01

- (3) Withdraw the petition and file one all-inclusive petition under 28 U.S.C. § 2255 within the one year period provided in 28 U.S.C. § 2255. You must refer to 28 U.S.C. § 2255 to determine when this one year period begins to run. The reason you may wish to select this option is because you will lose your ability to file later or successive petitions under 28 U.S.C. § 2255 unless you receive certification from the United States Court of Appeals for the Third Circuit to do so.

If you do not choose your option by marking the place indicating your choice below, the Court will rule on your petition as filed.

Dated:

May 18, 2001Sylvia H. Rambo

United States District Judge

I choose:

X

Option 1. - The Court should rule on my case as filed.

Option 2. - Recharacterize and treat my case as a proceeding under 28 U.S.C. § 2255. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit.

Option 3. - I wish to withdraw my petition which was filed under 28 U.S.C. § 2255 and file one all-inclusive petition; that is, one that raises all the grounds I have. I realize this all-inclusive petition must be filed within the one year period as defined by 28 U.S.C. § 2255.

FILED
SCRANTON

JUN - 1 2001

PER

DEPUTY CLERK

Melvin Sanders
Melvin Sanders5-29-01
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN SANDERS,

Petitioner

v.

R. M. REISH, WARDEN,

Respondent

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:
:
:
:

CIVIL ACTION NO. 1:CV-01-0836

(Judge Rambo)

FILED
HARRISBURG, PA
MAY 18 2001

MARY E. D'ANDREA, CLERK
Per 2472
Deputy Clerk

O R D E R

You filed an action on May 11, 2001, challenging your conviction. You have labeled your action as one brought under 28 U.S.C. § 2241. Please carefully read the following options and mark your choice by placing an "X" in the space indicated. After marking your choice, sign and return this form to the Clerk of Court, United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, PA 18501, within forty-five (45) days of the date of this notice. Your options are:

- (1) Have your action or motion ruled upon as filed. In this case, have it ruled upon as an action brought under 28 U.S.C. § 2241;
- (2) Have your motion recharacterized as a motion brought under 28 U.S.C. § 2255 and heard as such. However, if you do so, you will lose your ability to file later or successive petitions under 28 U.S.C. § 2255 unless you receive certification from the United States Court of Appeals for the Third Circuit to do so; or,